

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 381

August 10, 1995, 9:19 a.m.
Page S-12114 Temp. Record

TRANSPORTATION APPROPRIATIONS/FAA Procurement-Personnel Exemptions

SUBJECT: Department of Transportation and Related Agencies Appropriations Bill for fiscal year 1996 . . . H.R. 2002.
Hatfield motion to table the Roth amendment No. 2340.

ACTION: MOTION TO TABLE AGREED TO, 59-40

SYNOPSIS: As reported, H.R. 2002, the Department of Transportation and Related Agencies Appropriations Bill for fiscal year 1996, will appropriate \$12.4 billion in new budget authority (BA) for the Department of Transportation and related agencies, and will set the obligational ceiling for the Highway Trust Fund at \$17.0 billion. In total the bill will provide \$36.265 billion in budget authority, trust fund ceilings, and exempt obligations, which is \$1.987 billion less than requested by the Administration.

The Roth amendment would strike sections 350 and 351. Those sections will exempt the Federal Aviation Administration from most Federal procurement and personnel laws and regulations.

During debate, Senator Hatfield moved to table the Roth amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

Those favoring the motion to table contended:

Senators argue that the FAA should have come on hands and knees to the Governmental Affairs Committee for help with its procurement and personnel problems. We do not deny that it did not. They tell us that it should have exercised existing authority to waive many of the laws which it has told the Appropriations Committee have bound it. We do not deny that it did not. Maybe the FAA could get around its problems under existing law, though it says it cannot, and certainly it should have asked for changes before now, but it has not. All of that is water under the bridge.

The problem we have before us is an FAA that is so backwards that it must scour the country to find manufacturers for vacuum tubes for its computers. Some Senators attribute the FAA's failure to its numbingly high turnover in leadership; others may attribute

(See other side)

YEAS (59)			NAYS (40)		NOT VOTING (1)	
Republicans (38 or 70%)	Democrats (21 or 47%)		Republicans (16 or 30%)	Democrats (24 or 53%)	Republicans (0)	Democrats (1)
Ashcroft	Helms	Boxer	Abraham	Akaka		Bradley ⁻⁴
Bennett	Hutchison	Breaux	Bond	Baucus		
Burns	Inhofe	Bryan	Brown	Biden		
Campbell	Jeffords	Conrad	Chafee	Bingaman		
Coats	Kempthorne	Feinstein	Cohen	Bumpers		
Cochran	Lott	Graham	Faircloth	Byrd		
Coverdell	Lugar	Harkin	Grassley	Daschle		
Craig	Mack	Hollings	Kassebaum	Dodd		
D'Amato	McConnell	Johnston	Kyl	Dorgan		
DeWine	Murkowski	Kerrey	McCain	Exon		
Dole	Nickles	Kerry	Roth	Feingold		
Domenici	Packwood	Lautenberg	Smith	Ford		
Frist	Pressler	Leahy	Snowe	Glenn		
Gorton	Santorum	Mikulski	Specter	Heflin		
Gramm	Shelby	Moynihan	Stevens	Inouye		
Grams	Simpson	Murray	Thompson	Kennedy		
Gregg	Thomas	Reid		Kohl		
Hatch	Thurmond	Robb		Levin		
Hatfield	Warner	Rockefeller		Lieberman		
		Sarbanes		Moseley-Braun		
		Simon		Nunn		
				Pell		
				Pryor		
				Wellstone		

EXPLANATION OF ABSENCE:

1—Official Business
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:

AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

it to an inexcusable failure to know its options under existing laws. Either way, why in the world should we waste breath over the absolutely unforgivable, foolhardy, insane failure to correct a system that relies on computers that use vacuum tubes? This system is not for some obscure government paperwork function--it is to protect the lives of the tens of millions of Americans who fly on airplanes each year. Vacuum tubes are 20-year-old technology (to be charitable); with the advances in computing, in which each year's advances make last year's technology obsolete, vacuum tubes are equivalent to abacuses. At least abacuses, though, cannot lead to power failures of the type that we heard of recently which left airplanes roaming over California with no idea of whether there happened to be any other planes in the vicinity.

Every Senator is well aware that many Republicans and a good many Democrats view the FAA as an agency that could perform its functions with much greater dispatch and accuracy if it were privatized. It is very likely, therefore, that within the next few years the FAA will be totally freed from Government control. Ironically, many of the Senators who we believe will favor such privatization oppose giving the FAA control over its procurement and personnel policies now. These Senators need to reorder their thinking--what is wrong with partial autonomy immediately when they favor total autonomy in the near future?

We quite frankly do not want to waste time debating why the FAA got into the mess in which it is in currently. As we see it, our responsibility is to get it out of this mess the fastest way possible. It is not now free, or at least does not believe that it is free, to act with independence from Federal procurement and personnel laws. We should therefore free it from those laws, especially considering the fact that we will likely soon free it from all laws that apply to Federal agencies but not to private entities. We absolutely, unabashedly support the exemption from Federal procurement and personnel laws that will be extended by this Act to the FAA; accordingly, we urge our colleagues to reject the Roth amendment.

Those opposing the motion to table contended:

What an absolutely marvelous precedent this amendment would set. If a Federal agency, which is paid for by the taxpayers of America to serve the interests of this great Nation, does not like the particular requirements of laws which it must follow, as passed by the people who were elected by Americans to represent their interests, then all it must do is make a few whining sounds to appropriators and it will be exempt from the laws that apply to every other agency.

Why the sudden urgency? If the FAA is upset that it is using 20-year-old technology, and if it thinks the problem is related to Federal Government personnel and procurement policies, then why has it never, ever, in the past 20 years, given the slightest intimation of its displeasure? The committee of jurisdiction, the Governmental Affairs Committee, has never before been given any hint by the FAA that a problem existed. Now, out of the blue, we are expected to believe that a demonstrable problem with an agency has been caused by personnel and procurement policies with which every other department, agency, office, commission, and administration of the Federal Government has been able to comply.

This claim is utterly preposterous. We will not allow the personnel and procurement policies which we have designed to be scapegoated by an agency which has been derelict in its mission. If every other agency is able to function effectively under the procurement and personnel policies fashioned by the Governmental Affairs Committee and approved by Congress, and if every other agency is aware of and competent enough to utilize the exemptions for extenuating circumstances from those policies as provided for by law, then the question is not what is wrong with the law, but what is wrong with the FAA? Our colleagues believe there is a problem with the law but the problem lies with the FAA. The FAA alone cannot seem to comply with Federal procurement personnel and procurement policies. The solution should not be to waive those policies for the FAA; it should be to improve the FAA so that it, like every other Federal agency (of which there are a depressing number), is able to comply. Therefore, we must urge our colleagues to oppose the motion to table the Roth amendment.